

JORDAN ETH (CA SBN 121617)  
 JEth@mofo.com  
 JUDSON E. LOBDELL (CA SBN 146041)  
 JLobdell@mofo.com  
 MORRISON & FOERSTER LLP  
 425 Market Street, 32nd Floor  
 San Francisco, California 94105-2482  
 Telephone: 415.268.7000  
 Facsimile: 415.268.7522

Attorneys for Defendants Celera Corporation,  
 Kathy Ordoñez, Joel R. Jung, Ugo DeBlasi,  
 and Christopher Hall

[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

In re CELERA CORP. SEC. LITIG.

Case No. 10-cv-02604-EJD (HRL)

**CLASS ACTION**

**STIPULATION AND ~~PROPOSED~~  
 ORDER CONTINUING CASE  
 MANAGEMENT CONFERENCE**

Judge: Hon. Edward J. Davila

This Document Relates To:

ALL ACTIONS

Pursuant to Civil L.R. 7-12, the parties, by and through their undersigned counsel of record, submit the following stipulation and proposed order.

WHEREAS, on September 4, 2012, the Court denied Celera's motion to dismiss the Second Amended Consolidated Complaint of Lead Plaintiff Washtenaw County Employees' Retirement System (Dkt. No. 65);

WHEREAS, the Court's September 4, 2012 Order scheduled a Case Management Conference on October 26, 2012 at 10:00 a.m., and directed the parties to file an updated Joint Case Management Statement on or before October 19, 2012;

1 WHEREAS, pursuant to the Private Securities Litigation Reform Act of 1995, which  
2 governs this action, discovery in this action was stayed during the pendency of Defendants'  
3 motion to dismiss (15 U.S.C. 78u-4(b)(3)(B));

4 WHEREAS, pursuant to Rule 26(d)(1), the parties are prevented from serving discovery  
5 in this action until the parties have conferred pursuant to Rule 26(f);

6 WHEREAS, pursuant to the Court's September 4, 2012 Order and Rule 26(f)(1), the  
7 parties' Rule 26(f) conference deadline is currently October 5, 2012;

8 WHEREAS, by Order dated September 14, 2012 (Dkt. No. 67), the Court extended  
9 Defendants' time to answer or otherwise respond to the Second Amended Consolidated  
10 Complaint until October 19, 2012;

11 WHEREAS, in light of Defendants' representations that they need more time to prepare  
12 for the Rule 26(f) conference and the Rule 16 Case Management Conference as a result of the  
13 current October 19, 2012 deadline for Defendants to answer or otherwise respond to the Second  
14 Amended Consolidated Complaint, and in light of the complexity of the issues, the parties  
15 believe that good cause exists to continue the Case Management Conference from October 26,  
16 2012, to November 9, 2012, or a date thereafter that is convenient for the Court;

17 WHEREAS, the undersigned counsel for Lead Plaintiff represents that she is unavailable  
18 on November 15 and 16, 2012 due to a previously scheduled hearing in another matter pending  
19 in the Southern District of New York and requests that the Case Management Conference not be  
20 scheduled on these dates;

21 WHEREAS, if the Court grants the parties' requested continuance, the parties would  
22 submit their updated Joint Case Management Statement on or before November 2, 2012;

23 WHEREAS, if the Court grants the parties' requested continuance, counsel for the  
24 parties have agreed to hold their Rule 26(f) conference on October 10, 2012;

25 WHEREAS, it would conserve judicial and party resources and promote efficiency and  
26 economy to hold the Case Management Conference in this action after Defendants' answer is  
27 filed, Lead Plaintiff has reviewed the answer, and the parties have adequately addressed  
28

1 scheduling, discovery, and the additional case management topics of Federal Rule of Civil  
2 Procedure 26(f) and Local Rules 16-9 and 16-10;

3 WHEREAS, pursuant to Local Rule 6-2(a)(2), the following are the previous time  
4 modifications in this action: (i) July 8, 2010 Order (J. Ware) extending Defendants' time to  
5 respond to the Complaint until after the appointment of Lead Plaintiff (Dkt. No. 7);  
6 (ii) November 2, 2010 Order (J. Ware) continuing the case management conference from  
7 November 15, 2010 to March 7, 2011 (Dkt. No. 27); (iii) February 18, 2011 Clerk's Notice  
8 continuing the hearing on Defendants' motion to dismiss and the case management conference  
9 from March 7, 2011 until March 28, 2011 (Dkt. No. 36); (iv) March 24, 2011 Order (J. Ware)  
10 vacating the hearing on Defendants' motion to dismiss and continuing the case management  
11 conference, and also setting a schedule for the filing of, briefing of, and hearing on Lead  
12 Plaintiff's Second Amended Consolidated Complaint (Dkt. No. 40); (v) June 16, 2011 Order  
13 (J. Davila) setting a schedule for the filing of, briefing of, and hearing on Lead Plaintiff's  
14 Second Amended Consolidated Complaint (Dkt. No. 47); (vi) November 23, 2011 Order  
15 (J. Davila) continuing the case management conference scheduled for December 2, 2011 (Dkt.  
16 No. 61); and (vii) September 14, 2012 Order (J. Davila) extending time for Defendants to  
17 answer or otherwise respond to the Second Amended Consolidated Complaint (Dkt. No. 67);  
18 and

19 WHEREAS, the continuance of the Case Management Conference will not affect any  
20 other deadlines or events in this action except as otherwise set forth above.

21 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties as  
22 follows:

23 (1) The Case Management Conference currently scheduled for October 26, 2012, shall be  
24 continued to November 9, 2012, or such later date as is convenient for the Court;

25 (2) The parties will file an updated Joint Case Management Statement on or before  
26 November 2, 2012; and

27 (3) The parties will hold their Rule 26(f) conference on or before October 10, 2012.  
28

1 Dated: October 3, 2012

MORRISON & FOERSTER LLP  
JORDAN ETH  
JUDSON LOBDELL

2  
3  
4 By: /s/ Judson Lobdell  
Judson Lobdell

5 425 Market Street  
6 San Francisco, CA 94105-2482  
7 Telephone: (415) 268-7000  
Facsimile: (415) 268-7522

8 Counsel for Defendants Celera Corporation,  
9 Kathy Ordoñez, Joel R. Jung, Ugo DeBlasi,  
and Christopher Hall

10 Dated: October 3, 2012

ROBBINS GELLER RUDMAN & DOWD LLP  
WILLOW RADCLIFFE

11  
12 By: /s/ Willow Radcliffe  
Willow Radcliffe

13 Post Montgomery Center  
14 One Montgomery Street, Suite 1800  
15 San Francisco, CA 94104  
16 Telephone: (415) 288-4545  
Facsimile: (415) 288-4534

17 Lead Counsel for Plaintiff

18 VANOVERBEKE MICHAUD & TIMMONY, P.C.  
19 MICHAEL J. VANOVERBEKE  
20 THOMAS C. MICHAUD  
79 Alfred Street  
21 Detroit, MI 48201  
Telephone: (313) 578-1200  
Facsimile: (313) 578-1201

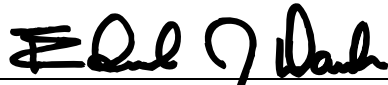
22 GLANCY BINKOW & GOLDBERG LLP  
23 LIONEL Z. GLANCY  
24 ROBERT V. PRONGAY  
1801 Avenue of the Stars, Suite 311  
25 Los Angeles, CA 90067  
Telephone: (310) 201-9150  
Facsimile: (310) 201-9160

26 Additional Counsel for Plaintiff  
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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 5, 2012

  
\_\_\_\_\_  
Honorable Edward J. Davila  
United States District Court Judge

I, Judson E. Lobdell, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Continuing Case Management Conference. In compliance with N.D. Cal. L.R. 5-1(i)(3), I hereby attest that Willow Radcliffe has concurred in this filing.

By: /s/ Judson Lobdell  
Judson Lobdell